

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ -342
Administrative Law Judge Division
September 29, 2016

R E S O L U T I O N

RESOLUTION ALJ 176-342. Dismissing the Appeal of SF Bay Car Services, Incorporated of K.16-06-017 of Citation No. FC 775 Issued by the Consumer Protection and Enforcement Division.

SUMMARY

On June 30, 2016, SF Bay Car Services, Incorporated, (SF Bay Car) timely appealed Citation No. FC-775 issued by the California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED)¹.

SF Bay Car was cited for the following violations: (1) engaging 19 employee-drivers without evidence of workers' compensation insurance in violation of Public Utilities (Pub. Util.) Code Section 5378.1; (2) engaging 19 drivers prior to enrollment in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code Sections 5374(a)(1)(D) and 5381 and General Order (GO) 157-D, Part 5.02 and California Vehicle Code (CVC) Section 1808.1; and (3) failing to pre-employment test and enroll 15 drivers in the Controlled Substance and Alcohol Testing and Certification Program, in violation of Pub. Util. Code Sections 5374(a)(1)(I) and 53812 and GO 157-D, Part 10.

¹ The Transportation Enforcement Branch, which issued Citation FC-775, is no longer part of the Commission's Safety and Enforcement Division, but is instead part of the newly created Consumer Protection and Enforcement Division.

On July 28, 2016, SF Bay Car moved to dismiss the instant appeal. SF Bay Car has agreed to pay the full amount of the assessed fine of \$2,000 as set forth in the citation.

SF Bar Car's motion to dismiss is unopposed.

Citation Appeal (K.) 16-06-017, the Appeal of SF Bay Car of Citation No. FC-775, should be dismissed because there are no remaining issues for the Commission to resolve.

WAIVER OF REVIEW

This is now an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

SAFETY

The Commission has broad authority to regulate charter-party carriers, particularly with regard to safety concerns. (*See* for example, Pub. Util. Code Section 451, 5382 and 5387.) We are mindful that the statutory schemes under which this citation was issued in this case for failure to enroll in the DMV's EPN program, and the requirements for pre-employment and mandatory drug testing are intended to secure the safety of charter-party carrier passengers.

THEREFORE, IT IS ORDERED that the appeal of SF Bay Car Services, Incorporated of Citation No. FC-775 is dismissed with prejudice.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on September 29, 2016, the following Commissioners voting favorably thereon.

/s/ TIMOTHY J. SULLIVAN

Timothy J. Sullivan
Executive Director

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

LIANE M. RANDOLPH

Commissioners

Commissioner Carla J. Peterman, being
necessarily absent, did not participate.

***** SERVICE LIST *****

K1606017 LIST

**Dismissing the Appeal of SF Bay Car Services, Incorporated of K.16-06-017 of Citation No. FC 775
Issued by the Consumer Protection and Enforcement Division**

***** PARTIES *****

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